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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,945	12/20/2001	Dalsu Lee	14305STUS01U (22171.289)	2615
27683	7590	05/16/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			CASCHERA, ANTONIO A	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,945	Applicant(s) LEE, DALSU	
	Examiner Antonio A Caschera	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 6-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al. (U.S. Patent 6,559,860 B1), Heeren et al. (U.S. Pub 2003/0041314 A1) and further in view of Shaw et al. (U.S. Patent 6,362,836 B1).

In reference to claims 6 and 22, Hamilton et al. discloses a method and apparatus for defining and connecting graphical objects to one another in an object oriented computing environment (see column 1, lines 11-13). Hamilton et al. discloses the invention being run on a variety of computers or computing systems (see column 2, lines 64-67) wherein one of the systems comprises a server communicating with another "node," further defined as another device, processor, etc., via a network (see column 11, lines 17-20 and Figure 8). Hamilton et al. also discloses the possibility of the server including a separate processor operating remote from the application with information being transferred across the network (see column 11, lines 44-47). Hamilton et al. discloses the server to use DDE (Dynamic Data Exchange) request strings to access information (see column 11, lines 30-31). Hamilton et al. also discloses the request strings to return, to the server, data corresponding to certain application and topic names (see column 11, lines 30-41 and Figure 8). Note, the Office interprets the DDEserver of Hamilton et

al. to inherently perform the functions of the import module of Applicant's claims since the requested data in Hamilton et al. is returned back to the server and further used in application building (see column 11, lines 20-27 and Figure 1). Although Hamilton et al. discloses a graphical interface for displaying objects (see Figures 12-15), Hamilton et al. does not explicitly disclose the GUI serving as an application builder, displaying objects using at least two icons wherein the second icon can be positioned relative to the first. Heeren et al. discloses a method of building call flow scripts using a visual programming software (see paragraph 7, lines 1-5). Heeren et al. discloses importing a call flow program chart into the visual programming software which has a graphical user interface consisting of draggable/droppable items to use in the program (see paragraph 26, lines 1-11 and #20 and 21 of Figure 2). Note, the Office interprets the call flow program chart equivalent to the software object of applicant's claim as the program chart of Heeren et al. provides flow and structure for executing telephone call services. Heeren et al. discloses displaying the program using icons which represent objects of the program having properties such as process rules, control functions and queries, to name a few (see paragraph 27 and #20 of Figure 2). Heeren et al. also discloses generating a call flow program script, representative of the objects in the call flow program chart which are positioned relative to each other to define program flow as the name of the chart is a "call flow program chart" (see paragraph 28, #20 and 21 of Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the object oriented application/server computing techniques of Hamilton et al. with the visual programming call program flow generation techniques of Heeren et al. in order to create a visual representation of a desired script or program, making it easier for a user to comprehend the flow of the script or program (see

paragraph 7, lines 10-15 of Heeren et al.). Neither, Hamilton et al. nor Heeren et al. explicitly disclose the server suspending an operating thread of the script however Shaw does. Shaw et al. discloses a universal application server configured to suspend the instance of an application running and initiated by a user (see column 14, lines 32-39 of Shaw et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the object oriented application/server computing techniques of Hamilton et al. and the visual programming call program flow generation techniques of Heeren et al. with the application server capabilities of Shaw et al. in order to create a more efficient distributed processing system, balancing and managing loads and sessions in a client server network environment (see columns 3-4, lines 66-3 of Shaw et al.) releasing unused resources.

In reference to claim 7, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above in addition, Hamilton et al. discloses the graphical objects of the invention programmed in C++ or VBA (see columns 3-4, lines 62-20 and columns 4-5, lines 24-4) which the Office interprets as a “non-script programming language.”

In reference to claim 8, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above in addition, Heeren et al. discloses converting the visual programmed script data to data formatted for a presentation program which involves saving the script (see paragraph 55, lines 1-3 and paragraph 56, last 6 lines). Note, the office interprets Heeren et al. to inherently save the scripts to some sort of memory which the office interprets as functionally equivalent to a script repository.

In reference to claim 9, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above. Heeren et al. discloses an IVR system routing

calls based on a visual programming script (see paragraph 57) which the office interprets as executing the script since the script contains rules to properly route the calls (see paragraph 27). Heeren et al. discloses a system implementing the above methods comprising a call center computer (see #12 of Figure 1) which is further connected to user workstations and a telephone network (see paragraph 21 and Figure 1). The office interprets such a computer functionally equivalent to the application server of applicant's claim.

In reference to claim 10, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above in addition, Heeren et al. discloses the scripting object comprising of several programming elements represented by several "icons" (see paragraph 35, lines 1-6 and #32, 34, 36 of Figure 3). Note, #32, 34 and 36 of Figure 3 make up a, "panel object" and represent a query or text section (#32), a header section (#34) and a variable section (#36).

In reference to claim 11, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 10 above in addition, Heeren et al. discloses the scripting object comprising of several programming elements represented by several "icons" (see paragraph 35, lines 1-6 and #32, 34, 36 of Figure 3). Note, #32, 34 and 36 of Figure 3 make up a, "panel object" and represent a query or text section (#32), a header section (#34) and a variable section (#36). Further, the Office interprets such elements (#32, 34 and 36) equivalent to "sub-objects" as claimed by the Applicant.

In reference to claim 12, Hamilton et al., Heeren et al. and Shaw et al. disclose all of the claim limitations as applied to claim 10 above in addition, Heeren et al. also discloses certain

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objects defined as process objects and associated with particular processes or computer software sub-routines (see paragraph 38, lines 6-20).

Response to Arguments

2. The cancellation of claims 1-5 and 13-21 is noted.
3. The addition of claim 22 is noted.
4. After a further search, the Office discovered the Hamilton et al. reference which is believed to read upon the claim limitations of independent claims 6 and 22.

References Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - a. Pastor et al. (U.S. Patent 6,681,383 B1)
 - Pastor et al. discloses an automated software production system implemented in a network environment including an object modeler.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

aac

5/7/05



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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